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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,251	01/09/2004	William R. McDonnell	MCDW 8238D1	7751

1688 7590 11/04/2004

POLSTER, LIEDER, WOODRUFF & LUCCHESI  
12412 POWERS COURT DRIVE SUITE 200  
ST. LOUIS, MO 63131-3615

EXAMINER

HOLZEN, STEPHEN A

ART UNIT PAPER NUMBER

3644

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/754,251

Applicant(s)

MCDONNELL, WILLIAM R.

Examiner

Stephen A. Holzen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/9/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-13, 15-17, 18-24, 34-39 and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by McGeer et al (6,264,140). McGeer et al discloses An aerial recovery system for an aircraft having an arrestment line, a structure for deflecting the line laterally into engagement with the capturing device, a lifting apparatus, a hook, a retaining device, where the capturing device is located inboard of the aircraft wingtip, the arrestment line is held by a beam and a boom (see Figures 6 and 7)

3. Claims 1, 2, 8, 12, 19, 20, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Reuter et al (4,753,400). Reuter et al discloses an arrestment line, and aircraft for capturing the line, structure for deflecting the line laterally into engagement with the capturing device, a lifting apparatus, a hook, a retaining device, vertically oriented arrestment lines spaced apart across the direction of travel of said aircraft as it approaches for recovery so as to increase the lateral capture envelope of said recovery system and a lifting device requiring a relative wind to generate lift (see Figures 1, 3, 5, 6, and 11)

4. Claims 1-7, 10, 12, 13, 15-17, 18-24, 34-39, and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by G. A. Uhl (1,686,298). Uhl discloses every aspect and limitation in these claims, including an arresting line, a wing of an aircraft, a lifting apparatus, a capturing hook, a retaining device (see Figures 1 and 2) and a rotor (#8).
5. Claims 1-7, 12, 15, 18-24, 34-39, and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Belleville (1,731,091). Belleville discloses every aspect and limitation in these claims, including an arresting line, a wing of an aircraft, a lifting apparatus, a capturing hook, a retaining device (see Figures 1 and 6).
6. Claims 1-4, 12, 13, 17-24, 34-39, and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Geraldson (968,339). Geraldson discloses every aspect and limitation in these claims, including an arresting line, a wing of an aircraft, a lifting apparatus, a capturing hook, a retaining device, and a beam and boom combination (see Figure 1).
7. Claims 1-13, 15-17, 18-24, 34-39, and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson (1,869,506). Richardson discloses an arrestment line, a device for capturing the line, a lifting apparatus, a hook, a retaining device positioned on the wing of a plane, multiple vertically oriented arrestment lines, wherein

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said line is deflected inboard to the aircraft, wherein said line is supported by a rotor, wherein said line is unsupported by an aircraft, and further comprising a beam and boom (see Figures 1, 2, 4 and 12).

8. Claims 14, 25-33, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by McGeer et al (6,264,140). McGeer et al disclose a method for capturing a flying object comprising suspending a linear fixture across the flight path of an object in a vertical orientation, guiding the object to strike the fixture, allowing the subsequent motion of the object to slide the fixture along a span wise lifting surface of the flying object, intercepting with a hook, and decelerating the object under restraint, and removing the flying object from the fixture (see Figures 8-10).

9. Claims 14, 25-33, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson (1,869,506). Richardson discloses a method for capturing a flying object comprising suspending a linear fixture across the flight path of an object in a vertical orientation, guiding the object to strike the fixture, allowing the subsequent motion of the object to slide the fixture along a span wise lifting surface of the flying object, intercepting with a hook, and decelerating the object under restraint, and removing the flying object from the fixture (see Figures 1, 2 and 4)

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10. Claims 14, 25-33 and 40 rejected under 35 U.S.C. 102(b) as being anticipated by Geraldson (968,339). Geraldson disclose a method for capturing a flying object comprising suspending a linear fixture across the flight path of an object in a vertical orientation, guiding the object to strike the fixture, allowing the subsequent motion of the object to slide the fixture along a span wise lifting surface of the flying object, intercepting with a hook, and decelerating the object under restraint, and removing the flying object from the fixture (see Figures 1).

11. Claims 14, 25-33 and 40 rejected under 35 U.S.C. 102(b) as being anticipated by Belleville (1,731,091). Belleville discloses a method for capturing a flying object comprising suspending a linear fixture across the flight path of an object in a vertical orientation, guiding the object to strike the fixture, allowing the subsequent motion of the object to slide the fixture along a span wise lifting surface of the flying object, intercepting with a hook, and decelerating the object under restraint, and removing the flying object from the fixture (see Figures 1 and 6).

12. Claims 25-33, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by G. A. Uhl (1,686,298). Uhl discloses a method comprising allowing a span wise lifting surface of a flying object to strike affixture positioned at an angle relative to the span wise lifting surface while imparting a decelerating force to the flying object, releasable engaging the fixture with a capture device on the flying object, and retrieving the flying object (see Fig 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sah



**TERI P. LUU**  
**SUPERVISORY PRIMARY EXAMINER**